IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 21817 of 2007(V)

PETITIONER:

V.VIJAYAN NAIR, AGED 52 YEARS,
S/O.LATE VELAYUTHAN PILLAI, DRIVER,
O/O.DE SOUTH, BSNL, POOJAPPURA,
RESIDING AT GIRIJA SADANAM, KRISHNAPURAM,
OORUTTAMBALAM.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENTS:
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1. CHAIRMAN AND MANAGING DIRECTOR,
BSNL, STATESMAN HOUSE, NEW DELHI.

2. PRINCIPAL GENERAL MANAGER,
TELECOM DEPT., BSNL BHAVAN, UPPALAM ROAD,
TRIVANDRUM.

BY ADV. SRI.S.K.BALACHANDRAN, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No.21817/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE PHOTOCOPY OF THE APPOINTMENT ORDER DATED 1/3/1994.

EXT.P2: TRUE PHOTOCOPY OF THE ORDER DATED 28/8/2000.

EXT.P3: TRUE PHOTOCOPY OF THE LETTER DATED 29/8/2000.

EXT.P4: TRUE PHOTOCOPY OF THE ORDER DATED 30/8/2000.

EXT.P5: TRUE PHOTOCOPY OF THE OFFICE MEMORANDUM DATED 27/7/1995.

EXT.P6: TRUE PHOTOCOPY OF THE ORDER DATD 17/1/2002.

EXT.P7: TRUE PHOTOCOPY OF THE ORDER DATED 25/6/2007.

EXT.P8: TRUE PHOTOCOPY OF THE JUDGMENT DATED 28/11/2001 IN OP NO.22989/2001.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 21817 OF 2007
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Dated this the 7th day of August, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext.P7 and to direct the respondents to grant the benefit of past service rendered by the petitioner in the Directorate of Cashewnut and Cocoa Development under the Ministry of Agriculture, Government of India, for computing 9 years service required for granting the second grade pay scale and consequential directions are also sought for. A Division Bench of this Court dealt with identical issues in the judgment in OP 22989/01 and connected cases, which were disposed of by Ext.P8 judgment dated 28th November 2001. In Ext.P8 judgment, it was held that persons involved in that cases were entitled to have their service in the parent department counted for the purpose of computing the number of years of qualifying service. Accordingly, it was directed that the

benefit of the scheme for grade promotion be extended to them taking into account their previous service in the parent department.

2. Counsel for the respondent also agrees that the Ext.P8 judgment covers the claim raised by the petitioner. Accordingly, quashing Ext.P7, this writ petition is disposed of directing that the service rendered by the petitioner in the Directorate of Cashewnut and Cocoa Development, be reckoned for computing the qualifying service for granting second Higher Grade.

With the above direction, the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp